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ISSUES ON DUAL COMPENSATION

Randy D. Florent
Deputy District Counsel

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FEMA'S DISASTER ASSISTANCE PROGRAMS

- **Individual and Household Program**
  - Initial $2000 emergency payment
  - Designed to help with critical expenses
  - Not designed to cover all losses
- **Transitional Housing Assistance**
  - Key word "transitional"
  - Emergency payment of $2358
  - Payment made for emergency housing needs
  - May need to be returned if not used for housing

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FEMA

INDIVIDUAL AND HOUSEHOLD PROGRAM

PURPOSE

When disasters take place, the Individuals and Households Program (IHP) provides money and services to people in the disaster area when losses are not covered by insurance and property has been damaged or destroyed.

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INDIVIDUAL AND HOUSEHOLD PROGRAM

TYPES OF ASSISTANCE

- Housing Needs
- Other than Housing Needs

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INDIVIDUAL AND HOUSEHOLD PROGRAM

Disaster Related Housing Needs

Money to repair your home is limited to making your home safe and sanitary so you can live there. IHP will not pay to return your home to its condition before the disaster.

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INDIVIDUAL AND HOUSEHOLD PROGRAM

Housing Needs

- **Temporary Housing (a place to live for a limited period of time):**
  Money is available to rent a different place to live, or a government provided housing unit when rental properties are not available.

- **Repair:**
  Money is available to homeowners to repair damage from the disaster to their primary residence that is not covered by insurance. The goal is to make the damaged home safe, sanitary, and functional.

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Housing Needs

- **Replacement:**
  Money is available to homeowners to replace their home destroyed in the disaster that is not covered by insurance. The goal is to help the homeowner with the cost of replacing their destroyed home.

- **Permanent Housing Construction:**
  Direct assistance or money for the construction of a home. This type of help occurs only in insular areas or remote locations specified by FEMA, where no other type of housing assistance is possible.

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INDIVIDUAL AND HOUSEHOLD PROGRAM

Housing Needs

You may use your money provided for housing needs to repair:

- **Structural parts of your home (foundation, outside walls, roof).**
- **Windows, doors, floors, walls, ceilings, cabinetry.**
- **Septic or sewage system.**
- **Well or other water system.**
- **Heating, ventilating, and air conditioning system.**
- **Utilities (electrical, plumbing, and gas systems).**
- **Entrance and exit ways from your home, including privately owned access roads.**
- **Blocking, leveling, and anchoring of a mobile home and reconnecting or resetting its sewer, water, electrical and fuel lines, and tanks.**

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INDIVIDUAL AND HOUSEHOLD PROGRAM

Other Than Housing Needs

Money to repair damaged personal property or to pay for disaster-related necessary expenses and serious needs is limited to items or services that help prevent or overcome a disaster-related hardship, injury, or adverse condition. IHP will not pay to return or replace your personal property to its condition before the disaster.

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INDIVIDUAL AND HOUSEHOLD PROGRAM

OTHER THAN HOUSING

Money is available for necessary expenses and serious needs caused by the disaster. This includes:

- **medical expenses,**
- **dental expenses,**
- **funeral expenses,**
- **personal property expenses,**
- **transportation expenses,**
- **moving and storage expenses,**
- **and other expenses that are authorized by law.**

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To receive money for Other than Housing Needs that are the result of a disaster, all of the following must be true:

- **You have losses in an area that has been declared a disaster area by the President.**
- **You have filed for insurance benefits and the damage to your property is not covered by your insurance. You may be eligible for help from IHP to repair damage to your property.**
- **You or someone who lives with you is a citizen of the United States, a non-citizen national, or a qualified alien.**
- **You have necessary expenses or serious needs because of the disaster.**
- **You have accepted assistance from all other sources for which you are eligible, such as insurance proceeds or SBA loans.**

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INDIVIDUAL AND HOUSEHOLD PROGRAM

LIMITATIONS

- IHP will not cover all of your losses from damage to your property (home, personal property, household goods) that resulted from the disaster.
- IHP is not intended to restore your damaged property to its condition before the disaster. In some cases, IHP may only provide enough money, up to the program limits, for you to return an item to service.
- IHP does not cover business-related losses that resulted from the disaster.
- By law, IHP cannot provide money to you for losses that are covered by your insurance.

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INDIVIDUAL AND HOUSEHOLD PROGRAM

You may <u>not be eligible</u> for money or help from IHP if:

- **You have other, adequate rent-free housing that you can use (for example, rental property that is not occupied).**
- **Your home that was damaged is your secondary or vacation residence.**
- **Your expenses resulted only from leaving your home as a precaution and you were able to return to your home immediately after the incident.**
- **You have refused assistance from your insurance provider(s).**
- **Your only losses are business losses (including farm business other than the farmhouse and self-employment) or items not covered by this program.**

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Transitional Housing Assistance Program

What is Transitional Housing Assistance?

- $2,358 per household, as an initial payment for three month's rental assistance, and may be extended for qualifying applicants for up to 18 months.
- This initial payment is calculated based on the average fair market rent rate for a two-bedroom unit nationwide. During the recertification process, FEMA may adjust the relevant fair market rate for the location and family size of each eligible household.

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Transitional Housing Assistance Program

- This payment is portable and may be applied to transitional housing costs for any location to which you choose to relocate.
- If approved, the funds will be electronically transferred to your bank account or a check mailed via the US Postal Service.
- The $2,358 is included in the calculation of total benefits for which you may be eligible.
- This amount may cover only a portion of the total assistance that you need. After going through the normal eligibility process you may receive additional payments of assistance.

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Transitional Housing Assistance Program

Eligibility:

- You are a resident of certain Louisiana parishes and certain Mississippi counties impacted by Hurricane Katrina from a declared parish/county Alabama, Louisiana and Mississippi.
- You have been displaced by the hurricane, and
- You do not have the means of identifying damage to your property or are unable to provide immediate documentation.

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Transitional Housing Assistance Program

How can I spend the money?

- **Transitional Housing Assistance is designed to meet emergency needs and should be spent on renting a housing unit appropriate to the size of your household.**
- **If you do not use the money as explained by FEMA, you may not be eligible for any additional help and may have to give the money back.**
- **It does not have to be repaid.**
- **It is not counted as income or a resource in determining eligibility for welfare, income assistance, or income-tested benefit programs funded by the Federal government.**
- **It is exempt from garnishment, seizure, encumbrance, levy, execution, pledge, attachment, release, or waiver.**
- **The money may not be reassigned or transferred to another person.**

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SAFE HAVEN PROGRAM

- Authorized when an evacuation is ordered by the military commander **AND** the employee's place of residence is declared uninhabitable.
- Effective 27 August 2005, the date the District Commander directed evacuation.
- Limited to 180 days, but MAY be terminated earlier.

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SAFE HAVEN PROGRAM

Consists of two parts:

- Evacuation Pay
- Subsistence allowances

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SAFE HAVEN PROGRAM

Evacuation Pay

- Equal to the pay of your position, based on your regular tour of duty;
- Continues while the evacuation order remains effective or until the employee returns to duty, but may not exceed 180 days;
- During this time, employees may be ordered to report to work to perform any required tasking in support of the District's mission;
- Evacuation pay will terminate when an employee returns to duty and begins regular pay and duty status;
- Evacuation pay will terminate when an employee refuses to report to work when ordered to do so.

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SAFE HAVEN PROGRAM

Subsistence Allowance

- Lodging, meals and incidentals are reimbursed for each day the employee and dependents(s)are in an evacuated status.
- Allowances include transportation to the designated safe haven and authorized per diem/subsistence expenses for that location.

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SAFE HAVEN PROGRAM

- First 30 days: 100% of the locality rate for dependents 12 years and older and 50% of the locality rate for dependents under 12 years of age;
- From 31 to 180 days, 60% of the locality rate for dependents 12 years and older and 30% of the locality rate for dependents under 12 years of age;
  - No lodging allowance when staying with family or friends
  - Lodging receipts are required
  - Dependent means a relative of the employee residing with the employee and dependent on the employee for support.
  - Dependant who is a federal employee is ineligible.

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TDY

- Governed by the JTR, Volume 2, Part J. for civilian personnel.
- 3 Parts to benefits:
  - Lodging;
  - Meals and Incidental Expenses;
  - Reimbursable expenses.

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RESTRICTIONS ON DUAL COMPENSATION

- **Dual Compensation Act of 1964 (5 U.S.C. § 5532 et seq.)**
  - **Applies to employees being paid from appropriated funds.**
  - **Usually apples to cases where an employee is receiving pay for two covered positions.**
  - **Also applies to receiving benefits under two different programs for the same purpose.**

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KATRINA/RITA PROBLEM AREAS

- Private insurance entitlements, i.e. loss of use v. FEMA and Corps payments.
- FEMA Individual Household program payments v. safe haven or TDY benefits.
- FEMA Transitional housing assistance payments v. safe haven or TDY benefits.
- Red Cross payments v. payments from other sources.
- State administered food stamp program payments v. safe haven or TDY benefits.

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POINTS TO REMEMBER

- Always tell the truth on an application for benefits or voucher.
- Be cognizant of the purpose of your claim.
- You may have inadvertently accepted payments from more than one source for the same purpose.
- It is extremely easy to detect dual payments for FEMA and DOD travel reimbursement claims.
- If you think you have a problem, be proactive and fix it.
- It’s your responsibility to make sure that you are due the payments you receive.

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Questions?

- Office of Counsel
- Resource Management Office